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February 13, 2004

VIA Electronic Filing

Ex Parte Notice

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

**Re: Public Interest Obligations of TV Broadcast Licensees,
Notice of Inquiry, MM Docket No. 99-360
Second Periodic Review of the Commission's Rules and Policies Affecting the
Conversion to Digital Television, MB Docket No. 03-15 (see also MM Docket
Nos. 99-360, 00-167, 00-168)
Carriage of Digital Television Broadcast and Implementation of the Satellite
Home Viewer Improvement Act of 1999; Amendments to Part 76 of the
Commission Rules, et al., CS Docket No. 98-120 (see also CS Docket Nos. 00-96
and 00-2)**

Dear Ms. Dortch:

Pursuant to Section 1.1206(b) of the Commission's Rules, this letter is to provide notice of an *ex parte* meeting regarding the above-referenced proceedings. On February 12, 2004, Norman Ornstein, a Resident Scholar at the American Enterprise Institute for Public Policy Research and one of the Campaign Legal Center's advisory board members, and Amy Wolverton, Associate Legal Counsel and Media Program Director of the Campaign Legal Center, met with Commissioner Jonathan S. Adelstein, his Legal Advisor for Media Issues, Johanna Mikes Shelton, and his Special Assistant, Anne Perkins.

During the meeting, Mr. Ornstein and Ms. Wolverton expressed the Campaign Legal Center's (CLC) concern with the continual decline in the amount of broadcast news coverage of campaign and election issues, particularly in recent years. They requested the Commissioner's support and assistance in obtaining a formal challenge from the Commission to the broadcast and cable industries for increased voluntarily coverage of campaign and election issues. Specifically, Mr. Ornstein and Ms. Wolverton suggested (1) a joint letter from all of the Commissioners to the industries, (2) emphasis of the challenge at the localism hearings, and (3) inclusion of the challenge in a noteworthy speech by the Chairman. (Corrected and updated summaries and charts of issues presented and supporting data were distributed at the meetings and are attached to this letter.)

In support of CLC's proposal for a formal challenge, Mr. Ornstein and Ms. Wolverton noted the success of a similar voluntary program in 2000. Stations agreeing to air five minutes of candidate centered discourse for 30 nights preceding elections (as suggested in 1998 in the President's Advisory Committee on Public Interest Obligations of Digital Television Broadcasters' report, "*Charting the Digital Broadcasting Future*") aired three times as much as the stations with no such voluntary commitment. Mr. Ornstein and Ms. Wolverton suggested that the Commission advocate a similar minimum threshold or urge the industries themselves to address coverage of political discourse in a formal code of conduct. Additionally, CLC's representatives noted that the Commission has issued other formal industry challenges, including one to the DTV industries that advanced conversion efforts.

Mr. Ornstein and Ms. Wolverton stressed the need for the Commission to periodically reinforce its challenge and to further evaluate industry efforts after the November elections. In addition to addressing any deficiencies with respect to broadcasters' current public interest obligations respecting political discourse, the Commission should articulate applicable requirements in its pending action on public interest obligations for digital broadcasters. Mr. Ornstein noted that the report by the President's Advisory Committee contained several ideas for the Commission to consider with respect to such obligations in the digital era. Specifically, CLC's representatives suggested that the Commission consider providing broadcasters with flexibility by offering a menu of options that would satisfy political broadcasting requirements, much like in the equal employment opportunity context. Further, Mr. Ornstein noted that the must-carry and multicast carriage proceedings present opportunities for the Commission to provide broadcasters with more specific guidance on public interest obligations.

Along with discussing political broadcasting coverage, Mr. Ornstein and Ms. Wolverton asked that the Commission require disclosure of political public file information on broadcasters' websites. Such website posting of political file records would reduce the amount of time broadcasters spend responding to requests for information during busy pre-election periods. Representatives of CLC requested disclosure of more information on the precise broadcast times and sponsors of political advertisements and public service announcements. Mr. Ornstein and Ms. Wolverton commented that website posting would enhance candidates' abilities to take advantage of equal time opportunities and likely promote discourse and public comment, potentially reducing the need for further regulation. Moreover, facilitating access to true sponsorship identification via a website would assist in addressing recent concerns regarding section 527 organizations placing issue advertisements. Finally, CLC's representative urged the Commission to further educate the public about what information is available in the public files. (Supporting news articles and press release regarding disclosure issues are attached to this letter.)

Pursuant to the Commission's Rules, this *ex parte* notice is being electronically filed through the Commission's Electronic Comment Filing System procedures. Please do not hesitate to contact me at 202-736-2200 should you have any questions regarding this filing.

Sincerely,

/s/

Amy R. Wolverton

Attachments

cc: Commissioner Jonathan S. Adelstein
Johanna Mikes Shelton, Legal Advisor for Media Issues
Anne Perkins, Special Assistant